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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION  
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12 ATHANASSIOS DIACAKIS, individually ) Case No. 11-cv-3002 SBA  
13 and on behalf of all others similarly )  
13 situated, )  
14 Plaintiff, )  
14 )  
15 v. )  
15 )  
16 COMCAST CORPORATION; and DOES )  
16 1-10, inclusive, )  
17 Defendants. )  
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1           WHEREAS, this case was filed as a putative class action;

2           WHEREAS, Plaintiff filed his motion for class certification on October 2, 2012;

3           WHEREAS, on May 3, 2013, this Court denied Plaintiff's motion for class certification  
4 (Dkt. 108);

5           WHEREAS, pursuant to Rule 23(f) of the Federal Rules of Civil Procedure, on or before  
6 May 17, 2013, Plaintiff intends to file a petition for permission to appeal the Court's Order  
7 denying class certification, as well as a request to stay proceedings in this Court pending appeal;

8           WHEREAS Defendant expects to oppose Plaintiff's petition under Rule 23(f), and  
9 reserves any and all grounds for opposing same;

10          WHEREAS, the Court's Order Revising Pretrial Schedule and Continuing Trial Date  
11 (Dkt. 100) set modified dates and deadlines, including the following discovery deadlines which  
12 are at issue on this stipulation: a May 19, 2013 deadline for fact discovery; a May 19, 2013  
13 deadline for Plaintiff and Defendant to designate experts; a June 2, 2013 deadline for the parties  
14 to designate rebuttal experts; and a June 30, 2013 deadline for expert discovery;

15          WHEREAS, in light of Plaintiff's anticipated petition for permission to appeal the Court's  
16 Order denying class certification, as well as a request to stay proceedings in this Court pending  
17 appeal, and in order to allow the Ninth Circuit time to rule on that petition before the parties are  
18 required to complete all fact and expert discovery, the parties have accordingly agreed, subject to  
19 court approval, to a brief continuance of the foregoing discovery deadlines.

20          IT IS HEREBY STIPULATED by the parties through their respective counsel as follows:

21           1.       The deadline to complete fact discovery is continued to July 19, 2013;

22           2.       The deadline for the parties to designate experts is continued to July 19, 2013;

23           3.       The deadline for the parties to designate rebuttal experts is continued to July 29,  
24 2013;

1           4. The deadline for completion of expert discovery is continued to August 15, 2013.  
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4           Dated: May 14, 2013

5           DRINKER BIDDLE & REATH LLP  
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7           By: s/ Michael J. Stortz  
8           Michael J. Stortz

9           Attorneys for Defendant  
10           COMCAST CORPORATION

11           Dated: May 14, 2013

12           STRANGE & CARPENTER

13           By: /s/ Gretchen Carpenter  
14           Gretchen Carpenter

15           Attorneys for Plaintiff

**Attestation Pursuant to Local Rule 5.1(i)**

Pursuant to Local Rule 5.1(i), I, Gretchen Carpenter, hereby attest that I have obtained concurrence in the filing of this document from the other signatory to this document.

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct. Executed on May 14, 2013 at Los Angeles, California.

/s/ Gretchen Carpenter  
Gretchen Carpenter

## **ORDER**

Based on the foregoing Stipulation of the parties, and for good cause shown, IT IS SO  
ORDERED

Dated: 5/15/13

Saundra B. Armstrong  
Honorable Saundra Brown Armstrong  
United States District Judge